

**National Telecommunications and Information Administration
Broadband Technology Opportunities Program
Finding of No Significant Impact
Appalachian Valley Fiber Network, LLC
Fiber Optic Network Infrastructure Project**

Summary

Appalachian Valley Fiber Network, LLC (AVFN) applied to the Broadband Technology Opportunities Program (BTOP) for a grant to install approximately 240 miles of fiber optic cable and use 50 miles of existing dark fiber optic cable. While the new network will be a hybrid of aerial and buried fiber, most of the fiber will be buried underground within existing rights-of-way (ROWs). Where plowing or directional boring are not feasible, a portion of the fiber may be attached to bridges or installed on existing poles. The new fiber network will provide middle mile service to community anchor institutions (CAIs), including libraries, public schools, health care providers, public safety facilities, and other anchor institutions. The proposed action will connect 11 counties in northwestern Georgia and northeastern Alabama, and is referred to as the AVFN Fiber Optic Network Infrastructure Project (Project).

The National Telecommunications and Information Administration (NTIA) awarded a grant for the Project to AVFN, through BTOP, as part of the American Recovery and Reinvestment Act (ARRA). The funding must be obligated and the Project completed within three years. This timeline will comply with the laws and regulations governing the use of this ARRA grant funding.

BTOP supports the deployment of broadband infrastructure in unserved and underserved areas of the United States and its Territories. As a condition of receiving BTOP grant funding, recipients must comply with all relevant Federal legislation, including the National Environmental Policy Act of 1969 (NEPA). Specifically, NEPA limits the types of actions that the grantee can initiate prior to completing required environmental reviews. Some actions may be categorically excluded from further NEPA analyses based on the specific types and scope of work to be conducted. For projects that are not categorically excluded from further environmental review, the grant recipient must prepare an Environmental Assessment (EA) that meets the requirements of NEPA. After a sufficiency review, NTIA may adopt the EA, use it as the basis for finding that the project will not have a significant impact on the environment, and issue a finding of no significant impact (FONSI). Following such a finding, the BTOP grant recipient may then begin construction or other activities identified in the EA as the preferred alternative, in accordance with any special protocols or identified environmental protection measures.

AVFN completed an EA for this Project in July 2011. NTIA reviewed the EA, determined it is sufficient, and adopted it as part of the development of this FONSI.

The Project includes:

- Installing a hybrid broadband network of aerial and buried fiber, with associated open pits and vaults, in existing ROWs throughout 11 counties in northwestern Georgia and northeastern Alabama;

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- Installing approximately 240 miles of primarily buried fiber by plowing or directional boring;
- Using approximately 50 miles of existing dark fiber optic cable;
- Attaching fiber to bridges or on existing poles as secondary installation methods; and
- Installing new poles or using the trenching method, as contingency plans, for portions of the route where plowing or directional boring are not feasible. AVFN must obtain prior approval from NTIA and all appropriate parties before enacting the contingency plan of installing new poles or trenching to install new fiber.

Based on a review of the analysis in the EA, NTIA has determined that the Project, implemented in accordance with the preferred alternative, and incorporating best management practices (BMPs) and protective measures identified in the EA and through agency consultations, will not result in any significant environmental impacts. Therefore, the preparation of an EIS is not required. The basis for this determination is described in this FONSI.

Additional information and copies of the Executive Summary of the EA and FONSI are available to all interested persons and the public through the BTOP website (www2.ntia.doc.gov/) and the following contact:

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Purpose and Need

The purpose of the Project is to bring affordable broadband service to unserved and underserved communities within northwestern Georgia and northeastern Alabama. Current broadband service in the area is inadequate or unaffordable for many residents and institutions, particularly within Catoosa, Walker, Chattooga, Gordon, Floyd, Bartow, Paulding, Polk, and Haralson Counties in Georgia and Calhoun and Cleburne Counties in Alabama. The Project will enable local broadband service providers to use the new open network to bring affordable high-speed service to the region. Businesses and CAIs, such as libraries, public schools, health care providers, public safety facilities, and other anchor institutions, will be served by the proposed network.

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Project Description

AVFN will install 240 miles of backbone middle-mile fiber and use 50 miles of existing dark fiber optic cable. The new open network will provide middle mile service to critical community facilities throughout nine counties in northwestern Georgia and two counties in northeastern Alabama. Construction will take place within existing ROWs along U.S. and state highways, county roads, city streets, utility easements, and on Federal land managed by the U.S. Department of Agriculture-Forest Service (USDA-FS).

The majority of the fiber will be buried – installed 36-inches underground in existing ROWs by plowing. The vibrating plow pulls a metal blade through the subsurface, creating a trench 2 to 3-inches wide. The conduit and fiber are installed, and the trench is backfilled with excavated soil. Fiber optic cable will be installed across streams and rivers either by burying the cable over existing culverts within the shoulders of existing ROWs or using directional boring techniques. Directional boring will be used to avoid selected sensitive ecological resources, such as wetlands, streams, rivers, associated protective buffers, designated critical habitats, and construction-limited areas, such as roadways and railroad crossings. The directional boring method uses a 3 to 4-inch drill bit at both the entry and exit points, drilling a horizontal cable pathway between the points, installing conduit, and pulling the cable back through the conduit. Directional boring will be initiated 150 to 250 feet away from the water feature or sensitive resource and the depth of the boring will be 5 to 7 feet below the streambed or resource. Appropriate soil-erosion controls will be implemented following cable installation.

Where plowing or directional boring are not feasible, fiber will be routed along bridges or installed on new or existing poles. Where subsurface conditions preclude the use of the plow method, the trenching method may be used. This method uses heavy equipment or hand digging to create the trench and backfill with excavated soil. AVFN must obtain prior approval from the appropriate State Historic Preservation Office (SHPO), NTIA, and interested Tribes before conducting any proposed trenching or installing new utility poles.

Flush mount vaults and open pit connections will also be installed along the fiber route in previously disturbed portions of the ROWs. During installation, a hole measuring 3 feet wide by 5 feet long by 4 feet deep is excavated to install the vault or open pit flush with the soil surface. The hole is filled with the excavated soil and the disturbed area will be reseeded, as necessary. Material and equipment staging areas will be located in previously disturbed areas, including existing gravel and paved lots.

AVFN will construct a portion of the fiber route within the U.S. Highway 78 and State Road 281 ROWs and an existing utility easement located within a portion of the Talladega National Forest (TNF). Fiber installation on these lands will be buried in existing ROWs and will require permitting by the USDA-FS.

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Alternatives

The EA includes an analysis of the alternatives for implementing the Project to meet the purpose and need. NTIA also requires that an EA include a discussion of the no action alternative. The following summarizes the alternatives analyzed in the EA.

Combined Aerial and Underground Construction (Preferred Alternative). This Project involves installing 240 miles of buried fiber and aerial fiber and using 50 miles of existing dark fiber optic cable in northwestern Georgia and northeastern Alabama. The new fiber optic cable will be buried via plowing or directional boring, installed aerially, and attached to bridges. AVFN will also notify and seek approval from the SHPO, NTIA, and interested Tribes prior to conducting any construction if trenching or new poles are required along the Project route.

No Action Alternative. No action was also considered. This alternative represents conditions, as they currently exist within the counties of Catoosa, Walker, Chattooga, Gordon, Floyd, Bartow, Paulding, Polk and Haralson, Georgia and Calhoun and Cleburne Counties, Alabama. Under the no action alternative, new fiber infrastructure would not be constructed. The communities would continue to be unserved or underserved with respect to broadband internet access. Additionally, broadband services would not be provided to community facilities in the Project area. The EA examined this alternative as the baseline for evaluating impacts relative to other alternatives being considered.

Alternatives Considered But Not Carried Forward. AVFN considered the alternative of installing an all-aerial network. This alternative was eliminated because of likely service disruptions that would occur from knockdowns or severe weather, the requirements for securing private ROW easements with numerous individual landowners, and the potential increase of environmental impacts compared to the Preferred Alternative to install new utility poles along the Project route. AVFN considered the alternative of installing an all-wireless telecommunications network. However, wireless technology is not a viable alternative because of the inability of wireless technology to provide the broadband capacity or speed to fully meet the purpose and need of this Project. In addition, this alternative would also involve more ground disturbance and environmental impacts than the Preferred Alternative. Alternative fiber routes were also considered by AVFN. However, it was determined that these routes would be more costly and time consuming due to additional permitting and negotiations with state agencies and railroad companies. Therefore, these alternative routes were eliminated.

Findings and Conclusions

The EA analyzed existing conditions and environmental consequences of the preferred alternative and the no action alternative in 11 major resource areas, including Noise, Air Quality, Geology and Soils, Water Resources, Biological Resources, Historic and Cultural Resources, Aesthetic and Visual Resources, Land Use, Infrastructure, Socioeconomic Resources, and Human Health and Safety.

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Noise

This Project will have no impacts on noise during long-term operation. However, short-term increases in ambient noise levels are expected during the construction period. Noise created by machinery used during installation will be temporary and localized in nature. Construction will occur during daylight hours. Based on these considerations, no significant impacts on noise are expected to occur as a result of Project implementation.

Air Quality

Potential short-term impacts on air quality will occur during the construction period. Fiber will be installed underground primarily via plowing and directional boring. This minor disturbance of the ground surface could create fugitive dust. AVFN will implement BMPs to limit fugitive dust emissions, including applying water to suppress dust on unpaved ROWs. A short-term minor increase in the use of fossil fuel and associated greenhouse gas (GHG) emissions will occur as a result of Project construction. AVFN calculated that 800 metric tons of CO₂ would be released by Project vehicle travel and operation of construction equipment. Based on implementation of BMPs, construction of the planned network is not expected to have significant adverse impacts on air quality.

Geology and Soils

The fiber route will be installed within existing utility ROWs. Construction activities will result in minor, temporary disruption of the soils. Material and equipment staging areas will be located in previously disturbed areas, including existing gravel and paved lots. AVFN will develop a BMP plan based on Erosion and Sediment Control, Georgia and Alabama field manuals, as well as erosion control measures specified by the Alabama Department of Transportation (ALDOT) and Georgia DOT (GADOT). This BMP plan will be implemented to prevent sedimentation and erosion impacts on the Project area. With these measures in place, the Project is not expected to result in significant adverse impacts on geology or soils.

Water Resources

Project construction activities are not expected to impact water resources. Although the fiber route intersects several streams and rivers, as well as adjacent wetlands, impacts to water resources will be avoided by installing the cable aerially on existing poles, burying the cable over existing culverts within the shoulders of existing ROWs, using directional boring techniques, or attaching the cable to bridges. AVFN will not open cut or trench within any jurisdictional water resource or its associated buffer. In addition, AVFN will not use any construction equipment within a jurisdictional water resource or on associated river or stream banks.

AVFN has alerted the Army Corps of Engineers (USACE), Mobile and Savannah Districts of all planned water crossings. In a letter dated May 26, 2011, the USACE Mobile District notified AVFN that because fiber will be installed via directional boring or aerial crossings, a Section 404 permit is not required. AVFN is currently coordinating and submitting a Nationwide Permit Pre-Construction Notification to the USACE Savannah District for two Section 10 water crossings, Tallapoosa River in Haralson County, Georgia and West Chickamauga Creek in Walker County, Georgia. AVFN will obtain the necessary permits prior to conducting any work within these

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areas. In the event that project construction activities need to be modified such that a jurisdictional water resource will be potentially impacted and require additional permits, AVFN will contact the USACE and appropriate state agency (if a stream buffer application is necessary) for the appropriate permits and variances.

Construction activities will occur within existing ROWs and will not adversely affect groundwater flows. AVFN will implement work practices to protect groundwater as well as surface water resources from accidental spills. In the event of a fuel spill, appropriate spill response procedures will be initiated. Therefore, no significant direct or indirect impacts to groundwater resources are anticipated. During construction, there may be a temporary, minor disturbance of floodplain areas, but no long-term impacts are anticipated. There is the potential for a temporary increase in stormwater discharge during construction. However, AVFN will implement BMPs to minimize erosion, sedimentation, and turbidity in receiving waters. Control measures during construction may include minimizing soil compaction and rutting, as well as site restoration following the completion of work activities.

By avoiding construction through waterways and implementing erosion and sediment control BMPs, AVFN will be able to construct the network with no significant adverse impacts on water resources.

Biological Resources

The Project will result in minor impacts to biological resources. Ground surface will be disturbed along the 240 miles of buried cable and at the vault and open pit connection sites in the existing ROWs. Approximately 15 square feet will be disturbed for each new vault or open pit. Limited land clearing will likely occur along the Project route.

AVFN assessed the Project area for the presence of critical habitat suitable for Federally listed threatened and endangered species protected under the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.). AVFN consulted with the U.S. Fish and Wildlife Service (USFWS) Alabama and Georgia field offices regarding potential Project impacts on biological resources. In responses dated November 23, 2010 and April 21, 2011, the USFWS Alabama field office concluded that if fiber is installed via directional boring, aerially on existing poles, or attached to bridges to cross Cane Creek, Choccolocco Creek, Tallapoosa River and their tributaries, then no additional consultation with their office for Federally listed aquatic species is required. The USFWS Alabama field office also requested that AVFN conduct surveys for the endangered gray bat (*Myotis grisecens*) for any proposed bridge crossings conducted during the months of April through October in Calhoun County, Alabama. However, if fiber is installed via directional boring or attached to existing poles, or if bridge crossings occur during the months of November to March, surveys would not be required. The USFWS Alabama field office confirmed that, based on the proposed avoidance measures, the Project will minimize potential impacts to federally listed species or designated critical habitat. In a response dated May 6, 2011, the USFWS Georgia field office concluded that, based on the information provided by AVFN, the Project is not likely to adversely affect these resources and no further consultation is required under Section 7 of the ESA. The USFWS requested additional consultation if the

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Project plans change or if additional information regarding listed species or critical habitat becomes available.

AVFN has contacted the USDA-FS and USFWS Alabama field office regarding biological resources found within and adjacent to the TNF along the Project route. AVFN submitted a Transportation and Utility Systems and Facilities Special Use Permit application to the USDA-FS in March 2011 for the proposed fiber installation within the U.S. Highway 78 and State Road 281 ROWs and an existing utility easement within a portion of the TNF. On June 7, 2011 the USDA-FS approved the Biological Evaluation prepared in support of the permit application. AVFN will obtain the necessary USDA-FS permits prior to conducting any work within the TNF. In a letter dated June 1, 2011, the USFWS Alabama field office responded that, if fiber is installed via directional boring, or aurally on existing or new poles, or attached to bridges, the Project will minimize potential impacts to Federally listed species. No further consultation is required by the USFWS unless the Project plans change or if additional information of listed species or critical habitat becomes available.

Based on this analysis and implementation of the recommended protective measures, AVFN will be able to construct the fiber network with no significant adverse impacts on biological resources.

Historic and Cultural Resources

On October 14, 2010, NTIA initiated consultation, on behalf of AVFN, with the Alabama Historical Commission and Georgia Historic Preservation Division (State Historic Preservation Offices [SHPOs]). In this correspondence, NTIA provided both SHPOs with a project description and an associated map and photographs of the Project area

On October 29, 2010, the Alabama SHPO responded to NTIA indicating that they reviewed the information provided and made the determination that the proposed activities should not affect any archaeological resources listed on or eligible for the NRHP provided the activities remain in previously disturbed ROWs. They further indicated that there are many NRHP listed and eligible properties along the proposed route, and requested that AVFN, or a consultant, research their files.

On November 1, 2010, the Georgia SHPO acknowledged receipt of the initial information and provided an official project number. Following the initiation letters and correspondence, AVFN engaged qualified staff at Enercon Services, Inc. (Enercon) to analyze the archaeological and architectural resources within the Project's area of potential effect (APE). On February 17, 2011, Enercon sent a letter to the AL and GA SHPOs to initiate consultation and provide updated information, including notification about the planned field reconnaissance. On March 8, 2011, the Georgia SHPO acknowledged receipt of the information from Enercon. On March 14, 2011, the Alabama SHPO sent a letter to Enercon with the determination that the buried lines within existing and previously disturbed ROWs should not be an issue, but they requested specific locations and sites be plotted on a USGS map.

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Enercon conducted a records check and windshield field survey along the Project route, which identified 23 archaeological sites within approximately 30 feet of the proposed Project area. A cultural resources reconnaissance report (CRRR) clarifying the Project description and summarizing the findings of the cultural resources review was submitted to the SHPO on April 22, 2011. The CRRR included detailed maps of the route and APE.

In a letter dated May 4, 2011, the Georgia SHPO provided concurrence that the Project would have no adverse effect on significant archaeological resources if all construction activities occur within either ROWs or previously disturbed areas. The Georgia SHPO requested that AVFN notify and reinitiate consultation with the SHPO if project modifications require soil disturbance within previously undisturbed areas. The Georgia SHPO also requested that AVFN notify and stop work if artifacts or archaeological features are encountered during Project activities.

On May 26, 2011, Enercon provided both SHPOs with an Addendum to the CRRR identifying one additional architectural resource located near the Project route. In a letter dated May 26, 2011, the Georgia SHPO provided concurrence with a finding of No Adverse Effect for the archaeological resources eligible or listed in the NRHP for the proposed Project. The Georgia SHPO agreed that AVFN will provide a Secretary of Interior qualified archaeologist to monitor construction activities in the 24 identified archaeological sensitive areas. The Georgia SHPO also agreed that the installation of fiber on new utility poles may result in visual effects to historic structures.

On June 6, 2011 Enercon submitted a letter to the Georgia and Alabama SHPOs clarifying that a Programmatic Agreement, previously recommended in the CRRR, will instead be replaced with a Cultural Resources Plan (CRP) in accordance with 36 CFR 800.12(a)(2). Enercon also requested concurrence that the Project, as currently planned and following the procedures to be developed in the CRP, will have No Adverse Effect to significant cultural resources listed on, or eligible for listing on the National Register of Historic Places (NRHP).

In a letter dated June 14, 2011, the Alabama SHPO agreed with the procedures outlined in the CRRR and requested to be contacted prior to the installation of new utility poles. Based on these stipulations, the Alabama SHPO confirmed a finding of No Adverse Effect. In a June 29, 2011 letter, the Georgia SHPO concurred that the Project will result in No Adverse Effect to archaeological resources provided that the conditions stated in the CRRR are satisfied, including that a Secretary of Interior qualified archaeologist will monitor construction activities in the 24 identified archaeological sensitive areas. The Georgia SHPO also confirmed that the Project will consist of buried fiber and therefore will have no effect on historic structures, and that the Project, as approved, will not include the installation of fiber on new utility poles.

In July 2011, Enercon provided the Alabama and Georgia SHPOs with a CRP. The CRP outlines the procedures for identifying significant historic resources that may be affected by the proposed Project contingency plan, in the event that directional boring or fiber installation along an existing bridge or utility pole is not possible. The CRP also requires that AVFN notify the appropriate SHPO in the event that cultural resources are identified. In a follow up email dated

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July 18, 2011, the Georgia SHPO reconfirmed that AVFN is required to notify the SHPO and NTIA in the event that Project activities will require trenching and/or the installation of new utility poles. Should AVFN determine the need for any trenching and/or erection of new poles, they must immediately notify NTIA and consult with appropriate State Historic Preservation Offices and potentially affected tribes under 36 CFR Part 800 to address the changes and assess their effects on historic properties.

On October 22, 2010, NTIA notified 13 Native American Tribes of the Project through the Federal Communication Commission's Tower Construction Notification System (TCNS). Four Tribes did not respond within 30 days after the TCNS notification, thereby indicating no interest in the Project. One Tribe responded (via TCNS email) that they have no objection to the Project and requested that they be notified in the event human remains, or anything of cultural significance, are discovered. Eight Tribes requested and received a copy of the CRRR. Three Tribes reviewed the report and have no further interest in the Project. However, these three Tribes requested that they be notified in the event that human remains, or anything of cultural significance, are discovered.

Following review of the CRRR, the Eastern Band of Cherokee Indians (EBCI) requested additional information (via email dated June 14, 2011) for site 9FL71 and consulting party status for Section 106. EBCI participated in the development of a Draft Cultural Resources Plan (CRP) to address areas of their concern. In an email dated July 12, 2011, the EBCI confirmed that, based on implementation of this plan, the proposed Project will not adversely impact any cultural resources within their traditional aboriginal territory and deferred the remaining portion of the Project to the SHPOs.

The EBCI also requested to be notified in the event of any Project changes and/or unanticipated discoveries. As of July 20, 2011, no comments have been received from the remaining four Tribes.

If Project construction activities uncover cultural materials (e.g., structural remains, historic artifacts, or prehistoric artifacts), AVFN will stop all construction work and immediately notify interested Tribal Nations, the SHPO, and NTIA, and a qualified archaeologist will be retained to assess the cultural materials. Construction will also be stopped if any human skeletal remains or protected Native objects are discovered, and appropriate authorities will be informed, including law enforcement agencies, the SHPO, and interested Tribes.

Based on these consultations, the Project is not expected to have significant adverse impacts on historic and cultural resources.

Aesthetic and Visual Resources

The Project involves installing fiber optic cable aerially on existing poles or bridges, burying the cable underground in existing ROWs, and installing fiber via directional boring. New fiber will be installed underground along a portion of the TNF. A portion of the project also passes near the Chattahoochee National Forest (CNF) and several state parks. Fiber installation will have a

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short-term, minor, and temporary impact on aesthetic and visual resources due to the presence of construction equipment and limited soil disturbance. Traffic control measures will be implemented in accordance with Work-Area-Protection procedures provided by ALDOT and GADOT to mitigate impacts to traffic flow. AVFN will continue working with the USDA-FS to determine the potential for visual resource impacts along the project segment located on Federally managed land. Based on the analysis and these consultations, the Project is not expected to have a significant adverse impact on aesthetic and visual resources in the Project area.

Land Use

The fiber will be installed in existing ROWs along U.S. and state highways, county roads, city streets, utility easements, and on Federal land managed by the USDA-FS. There will be no change in the existing land use due to the underground or aerial fiber installation. AVFN has submitted a Special Use Permit application to the USDA-FS for proposed fiber installation near the TNF. Through the permitting process, the USDA-FS will analyze potential land use impacts and determine whether the Project is consistent with their respective land and resource management plans. AVFN will comply with all permit conditions issued by the USDA-FS. AVFN will obtain the necessary ROW and railroad crossing permits prior to starting construction. Based on these consultations, the Project will have no significant adverse impact on land use.

Infrastructure

The Project's fiber route will be primarily buried in existing ROWs. Along the entire Project route, AVFN will identify, locate, and avoid existing buried utilities. There will be minor, short-term construction impacts on roadways and traffic flow during fiber installation. AVFN will implement traffic control measures that will follow Work-Area-Protection procedures provided by ALDOT and GADOT. These measures include flagging, cones, signage, arrow boards, and pilot vehicles. The new network will provide a secure, high-speed wireless data network for these 11 Georgia and Alabama counties. Overall, the Project will have a positive impact on infrastructure, and is not anticipated to result in significant adverse impacts on infrastructure.

Socioeconomic Resources

The Project will expand the region's existing fiber optic networks within northwestern Georgia and northeastern Alabama. The project will create jobs and provide greater broadband access for libraries, schools, health care providers, public safety facilities, and many other anchor institutions in unserved and underserved areas. Additional benefits include affordable broadband access for local residents and businesses. The Project will have positive impacts on socioeconomic resources, and is not anticipated to result in significant adverse impacts on socioeconomic resources.

Human Health and Safety

Five hazardous waste sites have been identified near the Project area. However, these sites are not situated within existing ROWs along the Project route. Therefore, it is unlikely that hazardous wastes will be encountered during Project installation. If contaminated soil,

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groundwater, or other contaminated obstructions are encountered during construction, ALDOT- and GADOT-provided mitigation procedures will be instituted immediately and the appropriate authorities will be notified. If necessary, the Project route may also utilize the ROW on the opposite side of the road to avoid potential hazardous materials.

BMPs for workplace safety will be implemented to protect workers, the public, and critical services institutions, such as school and hospitals. Contractors will adhere to all Federal, State, and local safety and health laws and regulations, and ALDOT/GADOT guidelines, to ensure compliance with proper safety and installation procedures. With implementation of these protection measures, the Project will not result in any significant adverse worker or traffic-related health or safety impacts.

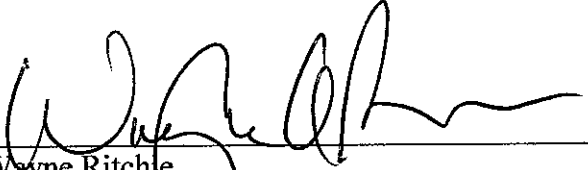
Cumulative Impacts

As described above, the Project will not have significant adverse impacts on any of the environmental resource areas evaluated in the EA. As such, no cumulative impacts on the environment are anticipated.

Decision

Based on the above analysis, NTIA concludes that constructing and operating the Project as defined by the preferred alternative, identified BMPs, and protective measures, will not require additional mitigation. A separate mitigation plan is not required for the Project. The analyses indicate that the proposed action is not a major Federal action that will significantly affect the quality of the human environment. NTIA has determined that preparation of an EIS is not required.

Issued:



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